



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Ms. Marina Leonard, Esq.
Colianni & Colianni, LLC
2120 Company Street
Christiansted, VI 00820

Re: Interim Release for Freedom of Information Act Request No. EPA-R2-2021-004137

Dear Ms. Leonard:

This letter concerns the above-referenced Freedom of Information Act ("FOIA") request, received by the U.S. Environmental Protection Agency ("EPA or Agency") on May 5, 2021, in which you requested the following:

"Any and all materials pertaining to the EPA's investigation of the Limetree Bay facility in St. Croix, United States Virgin Islands regarding the gas release on or around April 22, 2021 and on or around May 5, 2021."

On or around June 18, 2021, you further modified the scope of your request to add materials pertaining to the May 12, 2021 incident. You also clarified that you are not requesting internal emails between EPA attorneys and that you are not requesting internal EPA attorney-client communications. You further agreed to receive as an interim release of documents that make up the Administrative Record prepared by EPA in support of an emergency order issued to Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC (collectively, "Limetree") by EPA Region 2 pursuant to Clean Air Act section 303, 42 U.S.C. § 7603 ("303 Order" or "Order") on May 14, 2021.

Today, EPA is releasing 107 records from the Administrative Record. 101 of these records are being released in full without redactions; 6 of these records have been redacted pursuant to 5 U.S.C. § 552(b)(6) ("Exemption 6").

Please note that this is an interim response, and the EPA continues to work on your request.

Interim Release

First, the records EPA is releasing include 101 responsive records in full without any redactions.

Second, EPA is releasing six (6) responsive records with redactions. EPA has determined that a portion of these six records responsive to your request contain personal identifiable information ("PII") that, without redaction, could connect individuals' identities with their personal and private medical information. Exemption 6 of the FOIA permits the withholding of all information about individuals if its disclosure "would constitute a clearly unwarranted invasion of personal privacy."

Again, your request is not being closed at this time. When your request is closed, you will receive information concerning your appeal rights for any part of EPA's response. If you have any questions concerning this response, please contact Eduardo J. Gonzalez of Office of the Regional Counsel at (212) 637-3223, or by email at gonzalez.eduardoj@epa.gov; or contact Jennifer Pierce of Office of Regional Counsel at (212) 637-3228, or pierce.jennifer@epa.gov. Please reference your Freedom of Information Act Request No. EPA-R2-2021-004317 in any correspondence. Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. Last, you may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769.

Sincerely,

/s/

Paul Simon
Deputy Regional Counsel

Enclosures (uploaded to FOIA online)